

MINUTES
FREMONT CITY COUNCIL REGULAR MEETING, JUNE 12, 2001
CITY GOVERNMENT BUILDING, 7:00 P.M.

1. PRELIMINARY

1.1 CALL TO ORDER: Mayor Morrison called the meeting to order at 7:00 p.m.

1.2 FLAG SALUTE: Councilmember Zlatnik led the salute to the flag.

1.3 ROLL CALL: Present: Mayor Morrison, Vice Mayor Wasserman, Councilmembers: Zlatnik, Pease and Cho.

1.4 ANNOUNCEMENTS BY MAYOR / CITY MANAGER - None

2. CONSENT CALENDAR

* **2.1 WAIVE READING OF ORDINANCES** - None

* **2.2 APPROVAL OF MINUTES** – None

3. CEREMONIAL ITEMS

3.1 PROCLAMATION: American Cancer Society's 2001 Relay for Life

3.2 PROCLAMATION: Recognition of the 226th Birthday of the United States Army

4. PUBLIC COMMUNICATIONS

4.1 WRITTEN COMMUNICATIONS – None

4.2 ORAL COMMUNICATIONS

Tom Cabral spoke regarding the Redevelopment Agency's use of eminent domain on Adams Avenue. Kirk Folger suggested programs that would assist the City in its affordable housing mission.

5. SCHEDULED ITEMS

* **5.1 MAYOR MORRISON OPENED CONSIDERATION OF A RECREATION COMMISSION REFERRAL TO ADOPT THE PROPOSED DESIGN AND THE MASTER SITE DEVELOPMENT PLAN FOR THE W. BURDETTE WILLIAMS HISTORICAL PARK, CITY PROJECT PWC 7855.**

*Consent Items

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council adopted the Master Site Development Plan for W. Burdette Williams Historic Park, as shown in Exhibit “A” and directed staff to proceed with detail design and public bid for construction.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik, Pease and Cho.
Noes: None
Absent: None
Abstain: None

* **5.2 MAYOR MORRISON OPENED A PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER A REFERRAL FROM THE PLANNING COMMISSION FOR A ZONING TEXT AMENDMENT TO TITLE VIII (PLANNING AND ZONING) CHAPTER 2 (PLANNING) ARTICLE 19.1 HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB), OF THE FREMONT MUNICIPAL CODE, TO EXTEND THE STAFF REVIEW RATHER THAN HARB REVIEW OF SIGNS IN AREAS WITH ADOPTED DESIGN GUIDELINES (CITY OF FREMONT, PLN2001-00131).**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council continued this matter to June 26, 2001.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik, Pease and Cho.
Noes: None
Absent: None
Abstain: None

* **5.3 MAYOR MORRISON OPENED A PUBLIC HEARING TO CONSIDER ADOPTION OF THE FIVE-YEAR (2001/02 THROUGH 2005/06) CAPITAL IMPROVEMENT PROGRAM/INTEGRATED CAPITAL ASSETS PLAN (CIP/ICAP).**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council:

1. Held a public hearing on the Five-Year (2001/02 through 2005/06) CIP/ICAP.
2. Approved the combination of the median projects, “Fremont Boulevard Median Landscaping Sundale to Eugene” and “Fremont Boulevard Median Landscaping Mowry to Sundale” to one project called, “Fremont Blvd Median Landscaping - Mowry to Clough”.
3. Approved supplementing the Minor Building Modification project by \$25,000 of unallocated General Fund fund balance to paint selective windows and trim on the Niles Depot.
4. Adopted Resolution No. 9671 approving the five-year Capital Improvement Program and Integrated Capital Assets Plan, including appropriating the proposed

*Consent Items

funding amounts from the funding sources shown in the Fund Source and Use Report for two fiscal years, with appropriations for 2001/2002 to be made effective July 1, 2001, appropriations for 2002/2003 to be made effective July 1, 2002.

5. Approved the long-term capital debt policy.
6. Authorized the City Manager to adjust the timing of appropriations approved by the City Council. (This allows accelerating or deferring the timing of these funds in response to changed conditions, but does not change the total appropriations for any project.)
7. Directed staff to come back to City Council at a later date with a recommended approach to address the unfunded needs in the capital plan.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik, Pease and Cho.

Noes: None

Absent: None

Abstain: None

* **5.4 MAYOR MORRISON OPENED CONSIDERATION OF A PUBLIC NOTICE: LANDSCAPING ASSESSMENT DISTRICT 88, PUBLIC HEARING (MAILED NOTICES) TO RECEIVE PUBLIC COMMENT ON THE ANNUAL ASSESSMENTS.**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council continued the public hearing until June 26, 2001.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik, Pease and Cho.

Noes: None

Absent: None

Abstain: None

6. REPORT FROM CITY ATTORNEY

6.1 REPORT OUT FROM CLOSED SESSION OF ANY FINAL ACTION - None

7. REPORT FROM CITY MANAGER

7.1 MAYOR MORRISON OPENED A DISCUSSION WITH SUPERVISOR SCOTT HAGGERTY AND MICHELLE FADELLI, ALAMEDA COUNTY PUBLIC INFORMATION OFFICER, ABOUT COUNTY SUPERVISORIAL REDISTRICTING.

County Supervisor Scott Haggerty described the redistricting process, emphasizing the importance of public involvement, and announced a public hearing on the redistricting to be held in Fremont on June 18, 2001. Michelle Fadelli presented the seven redistricting

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plan alternatives currently being considered. Cyndy Mozzetti inquired about the possibility of splitting up census tracts, stated her main concerns are traffic and transportation and that Supervisor Haggerty has served Fremont well in these areas, and expressed a preference for Option G. The subject of redistricting will be agendized for a meeting in the near future to allow Council the opportunity for further discussion and possible development of other options.

7.2 MAYOR MORRISON OPENED DISCUSSION ON THE HIGH-SPEED RAIL UPDATE.

City Engineer Rob Wilson gave background and an update on the high-speed rail project, including route options and timeline. Council provided comments to staff.

*** 7.3 MAYOR MORRISON OPENED CONSIDERATION OF APPROVAL OF SPECIFICATIONS, TRANSFER OF FUNDS, AND AWARD OF CONTRACT FOR THE BATTERY BACK-UP SYSTEM INSTALLATION AT 42 PRIORITY INTERSECTIONS, CITY PROJECT NO. PWC8471.**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council:

1. Approved project specifications for the installation of the Pilot Battery Back-up System (BBS) Installation at 42 prioritized intersections identified in Exhibit A.
2. Transferred funds of \$72,000 from the City's Annual Traffic Signal at Various Locations, account 142PWC7953, \$191,250 from the Gas Tax Contingency Reserve (131PWC8101), and \$191,250 from the General Fund (501) Available Balance and appropriate to City Project 8471PWC to fund the Pilot Battery Back-up System Installation at the intersection of Warm Springs Boulevard and Scott Creek Road-Kato Road and proposed installation of BBS at 41 priority signalized intersections if the pilot installation is successful.
3. Accepted the bid and awarded the contract to the lowest responsible bidder, Republic Electric, for the installation of Phase 1 and Phase 2 of the Battery Back-up System at 42 prioritized intersections (Phase 2 is contingent upon the successful completion of Phase 1), and authorized the City Manager to sign the contract.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik, Pease and Cho.

Noes: None

Absent: None

Abstain: None

7.4 MAYOR MORRISON OPENED CONSIDERATION OF A RESPONSE TO MARCH 6, 2001 CITY COUNCIL REQUEST FOR FURTHER INFORMATION REGARDING THE SALARIES AND BENEFITS OF THE MAYOR AND CITY COUNCIL.

William Schriever provided the handout of his October 3, 2000 presentation to Council entitled "Fremont City Council Salaries." Mr. Schriever expressed his opinion that Fremont's Mayor and Councilmembers should receive higher compensation, and urged the Council to put a measure before the voters.

On a motion by Councilmember Zlatnik, seconded by Councilmember Cho, the City Council directed staff to prepare an ordinance to increase City Council compensation to the maximum amount allowed, and directed staff to return with the necessary information for Council's consideration of a ballot measure.

Ayes: Mayor Morrison, Councilmembers Zlatnik and Cho.
Noes: Vice Mayor Wasserman and Councilmember Pease.
Absent: None
Abstain: None

**7.5 MAYOR MORRISON OPENED CONSIDERATION OF A PROPOSED
ISSUANCE OF COMMUNITY FACILITIES DISTRICT NO. 1 (PACIFIC
COMMONS) SPECIAL TAX BONDS, SERIES 2001.**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council recommended adoption of Resolution No. 9672 authorizing the bond issuance and the approval of bond issuance documents and authorized the City Manager or her designees to execute the necessary agreements.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik, Pease and Cho.
Noes: None
Absent: None
Abstain: None

Councilmember Pease and Vice Mayor Wasserman voiced concerns regarding the request by Catellus Development Corporation for a 92-day extension, from July 1 to October 1, 2001, to commence construction of Cushing Parkway. Councilmember Pease and Vice Mayor Wasserman expressed concerns that the granting the extension could lead to further delays to the project, and indicated they may be less tolerant of future extensions.

On a motion by Vice Mayor Wasserman, seconded by Councilmember Zlatnik, the City Council directed the City Manager to report back 30 days prior to the October 1, 2001 anticipated commencement date of construction of Cushing Parkway, with a determination as to whether the construction will begin by October 1.

Ayes: Mayor Morrison, Vice Mayor Wasserman, Councilmembers:
Zlatnik and Cho.
Noes: Councilmember Pease.
Absent: None
Abstain: None

7.6 MAYOR MORRISON OPENED CONSIDERATION OF A REQUEST BY TRI-CITY HOMELESS COALITION FOR A LOAN TO FINANCE THE ACQUISITION OF ADDITIONAL PROPERTY LOCATED AT 4145 BAY STREET IN SUPPORT OF THE EXPANSION OF THE BRIDGEWAY TRANSITIONAL HOUSING PROJECT.

William Schriever expressed concern regarding the cost of the project.

On a motion by Vice Mayor Wasserman, seconded by Councilmember Zlatnik, the City Council adopted Resolution No. 9673 to appropriate up to \$360,000 in additional funding (\$180,000 in federal Supportive Housing Funds [conditional upon a grant agreement having been executed] and \$180,000 in federal HOME program funds) for a combined loan total of \$360,000 to assist Tri-City Homeless Coalition finance the acquisition of property located at 4145 Bay Street for the BridgeWay expansion project and authorized the City Manager or her designee to execute necessary documents related to this loan transaction.

Ayes:	Mayor Morrison, Vice Mayor Wasserman, Councilmembers: Zlatnik, Pease and Cho.
Noes:	None
Absent:	None
Abstain:	None

7.7 MAYOR MORRISON OPENED DISCUSSION OF DESIGN OPTIONS FOR THE CENTRAL AVENUE WIDENING PROJECT FROM FREMONT BOULEVARD TO JOSEPH STREET, CITY PROJECT NO. 8445(PWC).

Council provided staff with preliminary comments on the design options for the project.

*** 7.8 MAYOR MORRISON OPENED CONSIDERATION OF APPROVAL OF TRANSFER OF FUNDS FOR CONSTRUCTION CONTRACT– MISSION BOULEVARD– MISSION CREEK TO HUNTER LANE, CITY PROJECT NO. 8226 (PWC).**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council:

1. Appropriated \$120,000 from the Gas Tax Cost and Scope Contingency Reserve Fund (131PWC8101.6106) to the Project No. 8226 (131PWC8226.6106).
2. Appropriated \$20,000 from Bicentennial Park (182PWC8280.6106) to the Project No.8226 (182PWC8226.6106).

Ayes:	Mayor Morrison, Vice Mayor Wasserman, Councilmembers: Zlatnik, Pease and Cho.
Noes:	None
Absent:	None
Abstain:	None

*Consent Items

7.9 MAYOR MORRISON OPENED CONSIDERATION OF A REQUEST FOR AUTHORIZATION TO SIGN AGREEMENT WITH IMPACT SCIENCES, INC. FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT ON THE WAL*MART STORE AT OSGOOD ROAD AND SKYWAY COURT (PLN2000-0070).

Rosalie delaTorre Morton asked to be included in the scoping meetings, and asked if Impact Sciences and Wal*Mart would be required to disclose any financial interests each has in the other. Staff responded to the speaker's question.

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council authorized the City Manager to enter into a contract for services with Impact Sciences, Inc. for preparation of an Environmental Impact Report on the Wal*Mart store at Osgood Road and Skyway Court on behalf of the City and Wal*Mart for an amount not to exceed \$150,000.

Ayes:	Mayor Morrison, Vice Mayor Wasserman, Councilmembers: Pease and Cho.
Noes:	Councilmember Zlatnik.
Absent:	None
Abstain:	None

*** 7.10 MAYOR MORRISON OPENED CONSIDERATION OF AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF FREMONT AND FORWARD LANDFILL, INC. FOR LONG-TERM DISPOSAL CAPACITY.**

On a motion by Vice Mayor Wasserman, seconded by Councilmember Pease, the City Council authorized the City Manager to negotiate and execute the proposed amendment to the Agreement between the City of Fremont and Forward Landfill, Inc. for Long-term Disposal Capacity consistent with the terms described.

Ayes:	Mayor Morrison, Vice Mayor Wasserman, Councilmembers: Zlatnik, Pease and Cho.
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS:

8.1 COUNCIL REFERRALS

A. COUNCILMEMBER ZLATNIK:

William Schriever supported Councilmember Zlatnik's proposal, and suggested the City could go even further beyond what is being proposed, to include retrofitting and possibly banning the use of wood-burning fireplaces.

*Consent Items

Staff will draft an ordinance for the Council’s consideration which limits future emissions of wood smoke by requiring that fireplaces in new homes and perhaps remodeled fireplaces be either pellet stoves or natural gas units.

8.2 LEGISLATION

- A. Discussion of City position on proposed legislation described in the League of California Cities Priority Focus Bulletin No. 21-2001.
No action taken.

8.3 ORAL REPORTS ON MEETINGS AND EVENTS – Councilmembers reported on their various meetings and events.

9. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 10:45 p.m.

Attest:

Approved:

Marian Handa, Deputy City Clerk

GUS MORRISON, Mayor

*Consent Items